

Applicant : Yaakov Naparstek
Serial No. : 09/826,069
Filed : April 4, 2001
Page : 3

REMARKS

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures indicates that the application fails to comply with the requirements of 37 C.F.R §§ 1.821-1.825. Applicant attaches hereto a copy of the Notice as **Exhibit A**. Specifically, the Notice advises that all sequences in the specification must be identified with SEQ ID NO:.. The Notice also advises that, if necessary, the applicant must submit a substitute computer readable form (CFR) copy of the "Sequence Listing" and a substitute paper copy of the "Sequence Listing" as well as an amendment directing its entry into the specification as required by 37 C.F.R. §§ 1.825(a) and (b). The Notice further advises that applicant must submit a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter, as required by 37 C.F.R. §§ 1.821(f) and (g).

In response, applicant amends the specification as indicated above and submits as **Exhibit B** hereto a paper copy of the "Sequence Listing". Applicant also encloses as **Exhibit C** a computer readable (CFR) copy of the "Sequence Listing". Applicant submits as **Exhibit D** hereto a Statement in Accordance with 37 C.F.R. § § 1.821(f) and (g), certifying that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter. Applicants request that this Sequence List be entered into the subject application by this Amendment.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.


Respectfully submitted,

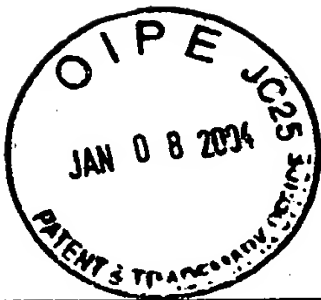
I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

John P. White
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

Date

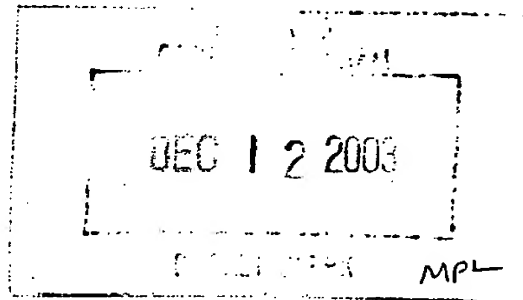
1/6/04


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36040-B JPW
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.



EXAMINER	
ART UNIT	PAPER NUMBER
	11/03

Please find below a communication from the EXAMINER in charge of this application

Response: 1/7/04

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Specifically, all sequences in the specification (see particularly page 8, first paragraph) must be identified by SEQ ID NO:.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Christina Chan whose telephone number is (703) 308-3973. The fax number for the organization where this application is assigned is (703) 308-4242.

G.R. Ewoldt, Ph.D.
Primary Examiner
Tech Center 1600
November 26, 2003

11/26/03
G.R. EWOLDT, PH.D.
PRIMARY EXAMINER



Application No.: 09/826,089

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". *only if necessary*
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

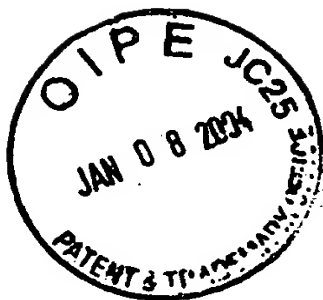
For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



56040-Bseq.list.ST25
SEQUENCE LISTING

<110> Naparstek, Yaakov

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<130> 56040-B

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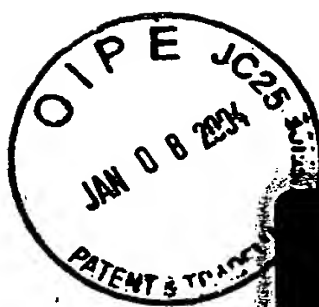
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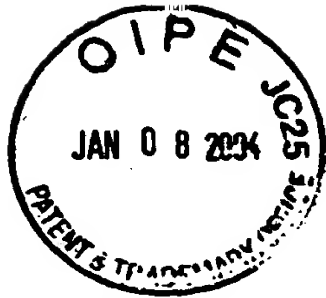
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File Name: 56040-B
Date Recorded: December 30, 2003
Computer: IBM PC
Software: PatentIn Release 3.1
Operating System: Windows 98
Applicant: Yaakov Naparstek
Serial No.: 09/826,069
Filed: April 4, 2001



Docket No. 56040-B/JPW/GJG/DJK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yaakov Naparstek

Serial No.: 09/826,069

Examiner: G.R. Ewoldt

Filed : April 4, 2001

Group Art Unit: 1644

For : PEPTIDES FOR THE TREATMENT OF SYSTEMIC LUPUS
ERYTHEMATOSUS AND METHODS OF TREATING SYSTEMIC
LUPUS ERYTHEMATOSUS

1185 Avenue of the Americas
New York, New York 10036
January 6, 2004

Mail Stop Sequence
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §§1.821(f) and (g)

In accordance with 37 C.F.R. §§ 1.821(f) and (g), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences submitted concurrently herewith in connection with the above-identified application, has the same information as the paper copy of the "Sequence Listing" submitted herewith. The attached Sequence Listing does not contain new matter.

Applicant : Yaakov Naparstek
Serial No. : 09/826,069
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Page : 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



David J. Kerwick
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New York, New York 10036
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